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C O N F I D E N T I A L SECTION 01 OF 02 ASHGABAT 001308

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SUBJECT: TURKMENISTAN: OSCE NEEDS ASSESSMENT TEAM DOUBTFUL
ODIHR WILL MONITOR DECEMBER ELECTIONS

Classified By: Charge Sylvia Reed Curran for reasons 1.4 (b) and (d).

11. (C) SUMMARY: In advance of meetings with Turkmen officials, OSCE/ODIHR representatives in Ashgabat on a needs assessment mission seemed resigned to the notion that Turkmenistan's election laws will not be revised in advance of the December 14 parliamentary elections. Therefore, they are doubtful that ODIHR will monitor the elections, even if invited to do so. Budget cuts within OSCE will also impact its decision. The ODIHR representatives planned to meet with Turkmen government officials and members of the international community in an attempt to ascertain what the government is doing to prepare for the elections and what useful role ODIHR might play. ODIHR should not be surprised at the sensitivity involving this issue since the Turkmen told them months ago that ODIHR's draft assessment of Turkmenistan's current election legislation was "unacceptable." Our assessment remains that political reform is still the most difficult area for the Turkmen. END SUMMARY.

12. (C) On September 29, Poloff met with members of an OSCE/ODIHR needs assessment team that is in Turkmenistan to determine what role OSCE might play during the upcoming parliamentary elections scheduled for December. Election Adviser Gilles Saphy said OSCE has a tough decision to make regarding what kind of representation to send during the lead-up to the election as well as for election day. ODIHR has also experienced a 25 percent cut in its budget for the year, which will impact its capacity to support election missions. Nevertheless, the assessment mission planned to meet with Turkmen officials at the MFA, Central Election Commission, Ministry of Justice, Institute for Democracy and Human Rights, and other agencies to get the current Turkmen perspective on election planning.

13. (C) The team noted that, in April, officials at the OSCE Center in Ashgabat delivered an OSCE/ODIHR draft assessment of the country's current election legislation. In June, OSCE officials came to Ashgabat expecting to discuss steps forward in beginning the process of legislative revision. At that time, delegation members were shocked when Institute for Democracy and Human Rights Director Shirin Akhmedova told them the assessment was "unacceptable" and the planned roundtable to discuss the document was canceled.

¶4. (C) Since then, OSCE representatives have been unable to find a way forward in nudging Turkmen officials on election law reform. Especially problematic are outdated laws pertaining to the upcoming parliamentary elections. The newly-adopted constitution contains such substantial changes regarding this legislative body that existing election laws no longer contain the necessary provisions to ensure the legal election of new deputies, according to External Election Consultant Nikolai Vulchanov. ODIHR would be more likely to send a monitoring mission if the Turkmen government were able to revise the laws that would guide the parliamentary elections, before they get underway. Vulchanov was certain, however, that the laws could not be revised before the registration of candidates begins.

¶5. (C) Vulchanov said OSCE has three options for organizational representation here. The first option would be to send a limited election monitoring team to monitor the conduct of the elections, from the registration of candidates to the final confirmation of voting results. This, he said, is currently the least likely to occur, given OSCE's inability to encourage the Turkmen government to revise any of its current election-related legislation. It also would hinge on OSCE/ODIHR receiving a formal invitation from the government to monitor the elections.

¶6. (C) The second option that ODIHR has in terms of a role in Turkmenistan during the elections is to send an election support team. In this scenario, two or three election

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experts would be detailed to the OSCE Center in Ashgabat to augment the center's reporting capacity for a ten day period before the elections. This was considered to be a more likely option, since it would not hinge on any particular government action, but ODIHR's budget would still be a consideration. The third option would be to not send any representatives during the election period, which is also still a possibility.

¶7. (C) COMMENT: Turkmenistan has taken a number of important steps forward in the more than 1 1/2 years that Gurbanguly Berdimuhamedov has been president. They have revised some legislation and instituted reforms in a number of spheres, including economic, educational, and cultural. There even have been improvements in the human rights situation. No one can doubt that this is a country that is different from the way it was under former president Niyazov.

It is clear that Turkmenistan's rulers are committed to moving the country toward "international standards" in many areas. Nevertheless, the hardest area for reform remains political reform. They equate control with stability, and real political reform is still a bridge too far for the Turkmen. With time we may see some changes, and probably, at first, only on the margins. END COMMENT.
CURRAN